

ENTERED

July 28, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CATHERINE A. LYDIA,

Plaintiff,

VS.

COASTAL HOME HEALTH CARE, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:20-CV-115

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Before the Court is Magistrate Judge Jason Libby's Memorandum and Recommendation (M&R). (D.E. 11). The M&R recommends that the Court grant Defendant Legacy Home Health Care's motion to dismiss for failure to state a claim (D.E. 6). (D.E. 11, p. 1).

Plaintiff was provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, LP*, No. CIV. A. H-14-2700, 2015 WL 3823141, at *1 (S.D. Tex. June 18, 2015).

Having carefully reviewed the proposed findings and conclusions of the Magistrate Judge, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety.

(D.E. 11). Accordingly, Defendant Legacy Home Health Care's motion to dismiss for failure to state a claim (D.E. 6) is **GRANTED**. The Clerk of Court is **ORDERED** to terminate Defendant Legacy Home Health Care as a named party from the docket.

SIGNED and ORDERED this 28th day of July 2020.

A handwritten signature in black ink, appearing to read 'DSM', is written over a horizontal line.

DAVID S. MORALES
UNITED STATES DISTRICT JUDGE